

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

YVETTE LOCKHART-BEMBERY,

Plaintiff

v.

TOWN OF WAYLAND POLICE DEPARTMENT,
ROBERT IRVING, in his capacity as CHIEF OF
THE WAYLAND POLICE DEPARTMENT and
DANIEL SAURO,

Defendants

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* **C.A. NO. 04-10581-NMG**

AFFIDAVIT OF HOWARD FRIEDMAN

I, Howard Friedman, do hereby affirm and attest as follows:

1. My name is Howard Friedman and I am a member of the Massachusetts Bar.
2. I have been litigating civil rights and police misconduct cases for over 20 years.
3. I have chaired the police misconduct subcommittee of the Massachusetts Bar Association and the Civil Rights Litigation Section of the American Trial Lawyers Association. Currently I chair a local police misconduct lawyers group that meets regularly at Suffolk University and am the President of the National Police Accountability Project, a national association of attorneys who handle police misconduct litigation.
4. I am familiar with the hourly rates that lawyers charge in Massachusetts and nationally for civil rights cases and am familiar with the rates which lawyers have been awarded for their work in civil rights in state and federal courts.

5. I was ordered attorney's fees by Judge Rya Zobel in the federal court at a rate of \$200 an hour about eleven (11) years ago. Since then Judge William Young indicated that I should be entitled to attorney's fees at a rate of \$240 an hour. Three years ago I was awarded attorneys fees at a rate of \$265 an hour by Magistrate Judge Collings in the case of *Norris v Murphy*, 287F.Supp.2d 111 (D. Mass., 2003).

6. I am familiar with Andrew Fischer as a colleague practicing in the area of police misconduct and civil rights. He has experience in the field, having tried police misconduct cases in both state and federal courts for 20 years. A rate of \$275 an hour is a fair and reasonable rate for his work as an attorney, especially for a case tried in Worcester, where it is difficult to find a local attorney willing to take on a police misconduct case and difficult to find a civil rights attorney willing to travel to Worcester for a police case.

7. The rate of \$150 which Mr. Fischer is requesting for his associates is modest and a rate of \$65 for his law clerk is well within the acceptable rate.

Signed and sworn under the pains and penalties of perjury this 17th day February, 2006.

/s/ Howard Friedman
Howard Friedman

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